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May 10, 2022

BY ECF

Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: United States v. Daniel Capaldo, et al.
19 Cr. 442 (BMC)

Dear Judge Cogan:

Mr. Capaldo is scheduled to be sentenced before you on May 11, 2022 at 11:00 A.M.

On the eve of Mr. Capaldo's sentencing, the defense wanted to respectfully highlight the most up to date perspective of the national Covid-19 conditions and its impact on the Federal Bureau of Prisons (B.O.P.) for your consideration.

1) Exhibit 1 is an article from The Washington Post, dated May 6, 2022, which points out that this fall a corona virus wave will infect 100 million people.

2) Exhibit 2, an article from STAT dated May 5, 2022, reveals that federal prisons only used a fraction of the anti viral drugs that were supplied to them to keep inmates from dying or getting sick from Covid-19. Mr. Capaldo continues to suffer from the co morbidities that prompted Chief Judge Brodie to release him to home incarceration on March 30, 2020. The article demonstrates that the B.O.P. have neglected to treat inmates for Covid-19, even when having the medication to do so.

3) Exhibit 3, an article from U.S. News and World Report, dated January 26, 2022 illustrates that the B.O.P. has not been forthcoming about the present conditions at prisons with respect to the practice of Covid-19 precautions. United States senators were denied access to major parts of the Danbury Federal Correctional Facility.

4) Finally, Exhibit 4 is a news article from the Federal Drug Administration (F.D.A.) requesting the removal of Ranitidine products from the market because of cancer causing substances discovered in the drug. One of the many ailments that Mr. Capaldo suffers from is severe acid reflux. He was being given Ranitidine up until his release to home incarceration on March 30, 2020. Mr. Capaldo has an esophogram scheduled on June 21, 2022 and then an appointment with a gastroenterologist to treat this condition.

Again, the defense respectfully asks Your Honor to consider these current conditions when passing sentence on Mr. Capaldo.

Respectfully submitted,

Peter Guadagnino

Peter Guadagnino, Esq.

Attorney for Daniel Capaldo

cc: A.U.S.A. Elizabeth Geddes